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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,721	10/16/2003	Charles Morris	7190-345	4622
7590	08/12/2005		EXAMINER	
Clifford Chance US LLP 200 Park Avenue New York, NY 10166-0153				BACKER, FIRMIN
		ART UNIT	PAPER NUMBER	3621

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,721	MORRIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Response to Request for Reconsideration***

This is in response to a request for reconsideration file June 20<sup>th</sup>, 2005. Claims 1-18 are being reconsidered in this action.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrison et al (U.S. Patent No. 6,522,772).

4. As per claim 13, Morrison et al teach a method for self-checkout of items that are sold on a restricted basis, the method comprising following scanning of an item by a self-checkout customer, retrieving from a database a record indicating whether the scanned item is a restricted item; when the item is a restricted item, verifying a characteristic of the customer, the verifying comprising: receiving a target data input at a biometric sensor, the target data characterizing a

biometric feature of the customer; retrieving from a database a plurality of candidate records, each of the records comprising biometric attribute data associated with a different one of a plurality of customers; comparing the target data to the biometric attribute data in the plurality of records to identify a matching record; when a matching record is identified, based on the matched record, determining whether the item sold on a restricted basis can be sold to the customer (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

5. As per claim 14, Morrison et al teach a method wherein: the restricted basis comprises an age restriction; verifying further comprises receiving from the customer a date of birth; and retrieving the plurality of candidate records comprises querying based on the date of birth to retrieve the plurality of records (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

6. As per claim 15, Morrison et al teach a method further comprising: generating a signal indicating a need for supervisory assistance when a matching record cannot be identified (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

7. As per claim 16, Morrison et al teach a method further comprising: in response to the signal indicating a need for supervisory assistance, initiating an exception process whereby input is received from a store attendant to cause a new database record to be generated, the new database record enabling automated age verification of the customer during subsequent purchase transactions (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

8. As per claim 17, Morrison et al teach a method of processing input at a supervisory terminal in a self-checkout system using a handheld supervisory device, the method comprising: at a self-checkout station, generating a supervisory request signal indicating that input of customer biometric data is required to further the processing of a self-checkout transaction by a customer, transmitting the supervisory request signal to a handheld supervisory device, the handheld device comprising a biometric sensor; and at the handheld supervisory device, receiving the supervisory request signal, presenting a prompt alerting a user of the handheld device that input of customer biometric data is necessary; receiving customer biometric data at the biometric sensor; and transmitting the biometric data to the self-checkout station (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

9. As per claim 18, Morrison et al teach a method wherein the biometric sensor comprises a fingerprint sensor (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

11. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al (U.S. Patent No. 6,522,772) in view of Lapsley et al (U.S. PG Pub No. 2002/0019811).

12. As per claim 1, Morrison et al teach a self-checkout system comprising: a self-checkout station configured for customer-operated self-checkout of items for purchase; and a controller operatively coupled to the mobile terminal and to the self-checkout station, the controller being configured to send data over a wireless network to the mobile terminal instructing the mobile terminal to initiate a biometric data capture operation, the biometric data capture operation being related to a self-checkout transaction (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*). Morrison et al fail to teach a mobile data terminal comprising a wireless network interface and a biometric data sensor. However, Lapsley et al teach a mobile data terminal comprising a wireless network interface and a biometric data sensor (*see paragraph 0040, 0041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Morrison et al to include Lapsley et al's mobile data terminal comprising a wireless network interface and a biometric data sensor because this would have enhanced the flexibility of the system by allowing customer to purchase any item without the help of any cashier.

13. As per claim 2, Morrison et al teach a self-checkout station is one of a plurality of self-checkout stations and the mobile terminal is operatively coupled to the plurality of self-checkout stations; the data sent to the mobile terminal to initiate the biometric data capture comprises data

identifying at least one self-checkout station for which biometric data capture is to be performed (*see fig 1*).

14. As per claim 3, Morrison et al teach a system wherein the biometric sensor comprises a sensor selected from the group consisting of a fingerprint sensor, an iris recognition scanner, and a voice recognition device (*see column 7 line 10-57*).

15. As per claim 4, Morrison et al teach a system wherein the biometric data capture operation comprises receiving fingerprint attribute data at a fingerprint sensor (*see column 7 line 10-57*).

16. As per claim 5, Morrison et al teach a system wherein: the controller is a shared controller operatively coupled to each of the plurality of checkout stations; and the controller is configured to administer biometric data capture for multiple ones of the plurality of self-checkout stations (*see fig 1*).

17. As per claim 6, Morrison et al teach a system wherein the biometric data capture operation further comprises input of a date of birth (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*)

18. As per claim 7, Morrison et al teach a system wherein the controller is configured to query a database using the date of birth as a key to retrieve a plurality of candidate age

verification records, each record associating the date of birth with biometric attribute data characterizing a customer fingerprint previously captured at a fingerprint sensor (*see column 7 line 10-57*).

19. As per claim 8, Morrison et al teach a system wherein: the controller is one of a plurality of controllers; each self-checkout station comprises a co-located one of the plurality of controllers; and each of the controllers is operatively coupled to the data terminal (*see fig 1*).

20. As per claim 9, Morrison et al teach a system wherein: the mobile data terminal is one of a plurality of supervisory terminals; a first one of the supervisory terminals is operatively coupled to the controller by a wireless data network; and a second one of the supervisory terminals is operatively coupled to the controller by a wired data network (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

21. As per claim 10, Morrison et al teach a system wherein the mobile data terminal is a battery operated mobile supervisory device (*see fig 1*).

22. As per claim 11, Morrison et al teach a system wherein: the mobile data terminal and the controller interoperate to perform a plurality of supervisory functions associated with customer self-checkout at the checkout station; the supervisory functions comprise processing of a payment transaction (*fig 1, column 2 lines 44-3 line 18, 8 lines 46-60, and the entire disclosure*).

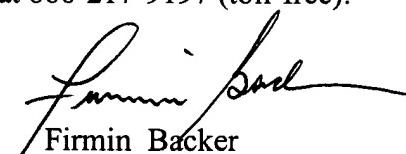
23. As per claim 12, Morrison et al teach a system wherein: the payment transaction comprises a payment type selected from the group consisting of a credit card payment, a debit card payment, and an electronic funds transfer payment; and processing the payment transaction further comprises receiving a signature input at the mobile data terminal (*fig 1, column 2 lines 44-3 line 18, 8 lines, 46-60, and the entire disclosure*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

August 9, 2005